

AFFIDAVIT OF KIM ROGAL-DEOLIVEIRA

I, Kim Rogal-deOliveira, being duly sworn according to law, depose and say as follows:

1. I am an authorized representative for plaintiff in this matter.

2. The facts stated herein are stated more fully and completely in the Answer to Motion for Summary Judgment and Brief. The facts stated therein are true and correct and I incorporate them fully herein as if set forth in full.

3. I am owner of KRD Management, billing office for plaintiff, Owen J. Rogal, D.D.S., P.C., d/b/a The Pain Center.

4. I am secretary/treasurer of plaintiff.

5. I am custodian of records for KRD Management and plaintiff.

6. The Pain Center provided radiofrequency services to one Dianna Berry from January, 2005 through June, 2005.

7. Dianna Berry executed an assignment of rights to The Pain Center.

8. Skilstaf, Inc. denied bills for treatment rendered by The Pain Center to Dianna Berry as being chiropractic care.

9. Plaintiff never provided chiropractic care to Dianna Berry or any other of its patients.

10. Defendant refused to acknowledge that no treatment rendered by plaintiff to Dianna Berry involved chiropractic care.

11. Kim Rogal de-Oliveira requested review of said determination on or about July 18, 2005 in writing, plaintiff's Exhibit "C".

12. Plaintiff's counsel requested review further of said determination on or about September 6, 2005 and September 30, 2005 in writing, plaintiff's Exhibit "C".

13. It was futile for plaintiff and/or counsel to request review of denial subsequent to September 30, 2005 as defendant had refused to acknowledge any further bills for treatment of Dianna Berry by The Pain Center.

5/31/07
Date

Sworn to and Subscribed
before me this 31 day
of May, 2007

Alexandra Siemel
Notary Public

Kim Regal de-Oliveira
Kim Regal de-Oliveira

